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E-FILED: 8.8.2007

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

v.

SAN JOSE STATE UNIVERSITY,

**ORDER (1) GRANTING DEFENDANT'S
MOTION TO COMPEL
INTERROGATORIES AND
DOCUMENTS; AND (2) DENYING
DEFENDANT'S MOTION FOR
SANCTIONS**

Defendant.

[Re: Docket No. 217]

Defendant moves for an order compelling plaintiff to answer interrogatories and to produce documents. It also requests that plaintiff pay \$474.00 in attorney's fees incurred in bringing the motion. Upon consideration of the moving and responding papers, as well as the arguments presented at the August 7, 2007 hearing, the court issues the following order.

The interrogatories and related document requests at issue seek information about plaintiff's contentions in this litigation and the bases for them. All appear to be legitimate discovery requests. However, plaintiff has responded to them with boilerplate "General Objections." His only ostensible "answer" to defendant's requests was a brief retort

United States District Court

For the Northern District of California

1 stating that all of his federal lawsuits have been consolidated into one action.

2 It is true that plaintiff's five federal lawsuits have been consolidated into one action.
3 Nevertheless, defendant is entitled to ascertain plaintiff's contentions in each of his five actions,
4 as well as all facts which plaintiff says support them. Under Fed. R. Civ. P. 33, plaintiff is
5 obliged to answer each interrogatory "separately and fully in writing under oath . . ." and to
6 "furnish such information as is available to [him]." *See* FED.R.CIV.P. 33(a), (b)(1). Plaintiff
7 has not demonstrated why he should be excused from answering defendant's interrogatories.
8 Nor has he provided any reason why he should not be made to produce any documents that are
9 responsive to defendant's related document requests under Fed. R. Civ. P. 34.

10 Accordingly, defendant's motion to compel is GRANTED. No later than **August 17, 2007**,
11 plaintiff shall (a) answer defendant's interrogatories and (b) produce any documents in
12 his possession, custody or control that are responsive to defendant's document requests.
13 (Plaintiff is advised that he should not file his interrogatory answers or any document
14 production with the court. He should simply serve them on defense counsel.)

15 Defendant's motion for fees was not filed in compliance with Civil Local Rule 37-3. In
16 any event, the court does not find that a fees award is warranted here. Defendant's motion for
17 fees is DENIED.

18 IT IS SO ORDERED.

19 Dated: August 8, 2007

20 
HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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1 **5:04-cv-4086 A copy of this document will be mailed to:**

2 Piotr J. Gardias
72 Floyd Street
3 San Jose, CA 95110

4 Plaintiff (Pro Se)

5
6 **Notice will be electronically mailed to:**

7 Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov

8 Fiel D. Tigno fiel.tigno@doj.ca.gov

9 Counsel for Defendant